

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**LAKE CHARLES DIVISION**

**PATRICK JODY LAVERGNE AND                   :   DOCKET NO. 06-2096**  
**JILL Y. LAVERGNE**

**VS.   :   JUDGE MINALDI**

**STATE FARM FIRE & CASUALTY               :   MAGISTRATE JUDGE WILSON**  
**CO., ET AL.**

**REPORT AND RECOMMENDATION**

Before the court is plaintiff's motion to remand [doc. # 9].<sup>1</sup> This matter was removed to federal court on the basis of diversity jurisdiction. 28 U.S.C. § 1332. The motion to remand alleges that plaintiff's claims do not exceed the requisite threshold amount for the exercise of diversity jurisdiction (\$75,000+). Plaintiffs have now stipulated that they waive any damages above \$75,000 excluding interest and costs. Due to the stipulation, defendants do not oppose remand. (*See*, January 23, 2006, Letter).

Accordingly, the court finds that the amount in controversy does not exceed the minimum amount required to invoke federal diversity jurisdiction. *DeAguilar v. Boeing Co.*, 47 F.3d 1404 (5th Cir. 1995). Subject matter jurisdiction is lacking and remand is required. 28 U.S.C. § 1447(c). For the foregoing reasons,

IT IS RECOMMENDED that plaintiff's motion to remand [doc. # 9] be GRANTED.

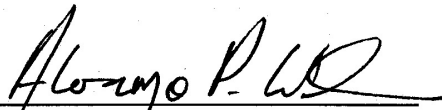
---

<sup>1</sup> The motion has been referred to the undersigned for decision pursuant to 28 U.S.C. § 636(b)(1)(A).

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.**

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on January 24, 2007.

  
ALONZO P. WILSON  
UNITED STATES MAGISTRATE JUDGE